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December 17, 2019

**VIA ECF**

The Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**RE: Case Index No. 1:19-cv-00180-VEC; *Pirri v. Cheek et al.*  
Renewed Request to Withdraw with Prejudice**

Dear Judge Engelmayer,

This letter is in response to the Court's pre-motion conference for summary judgment held on Monday, December 16, 2019.

At the hearing, I clarified that my previous motion to withdraw the sole remaining claim to correct the patent inventorship was with prejudice.

Plaintiff Pirri hereby renews his motion to voluntarily withdraw the sole remaining patent claim **with prejudice**.

Should the Court deny this motion, Plaintiff Pirri asserts that he will oppose a motion for summary judgment.

Respectfully submitted,

/s/ Steven R. Fairchild  
Attorney for Plaintiff

cc: All recipients of ECF

The Court has reviewed the parties' letters at Dkts. 85, 86, and 87. As discussed extensively at yesterday's conference, because discovery is complete in this matter, the option for plaintiff to voluntarily withdraw his claim is no longer available. If plaintiff wishes to oppose defendant's motion for summary judgment he is at liberty to do so; plaintiff is reminded to comply with Rule 11 or otherwise potentially face a sanctions motion. Plaintiff's Friday deadline to consent, in advance of briefing, to the entry of summary judgment remains in effect. SO ORDERED.

  
PAUL A. ENGELMAYER

12/17/2019  
United States District Judge